

UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
DALLAS REGION

U.S. DEPARTMENT OF THE NAVY
NAVAL HEALTH CLINIC
CORPUS CHRISTI, TEXAS
(Agency)

and

NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO
(Union/Petitioner)

and

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS
AFL-CIO
(Union)

DA-RP-14-0011

DECISION AND ORDER

I. Statement of the Case

This case is before the undersigned Regional Director of the Federal Labor Relations Authority (Authority) based on a petition filed by the National Federation of Federal Employees, Local 797, IAMAW, AFL-CIO (NFFE Local 797), seeking to amend its certification of exclusive recognition issued in 2008 by changing the affiliation of NFFE Local 797 to the International Association of Machinists and Aerospace Workers, AFL-CIO (IAMAW, AFL-CIO).

The issue presented in this matter is whether the proper procedural requirements were followed for the change in affiliation vote. I have completed my investigation and conclude that the petition should be granted. My findings and conclusions follow.

II. Findings

On July 25, 2008, in Case No. DA-RP-08-0013, the certification of NFFE Local 797 was amended to reflect the following unit:

Included: All employees of the Naval Health Clinic, Corpus Christi, Texas.

Excluded: Management officials, supervisors, and employees described in 5 U.S.C. 7112(b)(2), (3), (4), (6) and (7).

There are approximately 70 bargaining unit employees, with a total of one Union member.

On February 6, 2014, a notice was posted on the NFFE Local 797 bulletin board, located at the Naval Health Clinic, Corpus Christi, Texas, notifying Union members that a special Union meeting would be held on February 13, 2014, at the IAMAW Lodge in Corpus Christi, Texas, at 3:00 p.m., a place and time convenient to all members, in order to discuss and vote on affiliation with the International Association of Machinists and Aerospace Workers (IAMAW).

On February 13, 2014, one NFFE Local 797 member was present at the designated time and place pursuant to the notice. Also present at the meeting was Marcos C. Betancourt, Vice President of IAM Local 2049, and Paul T. Crecy, Recording Secretary of IAM Local 2049. Gary D. Johanson, NFFE National Business Representative, was present by telephone. There were no other issues on the agenda for this meeting. At the meeting, the member of NFFE Local 797 had the opportunity to discuss and ask questions regarding disaffiliation with NFFE Local 797 and possible affiliation with IAMAW. After the discussion, the member took a ballot stating the following:

Do you desire a change to the union affiliation at the Corpus Christi Naval Clinic from the National Federation of Federal Employees – IAM – to the International Association of Machinists and Aerospace Workers? This change would mean that you would no longer be represented by NFFE/IAM and would be represented solely by IAMAW.

_____ Yes

_____ No

The member stepped away so that she was able to mark the ballot privately, folded the ballot, and put it in a ballot box. Prior to the count, the secrecy of the ballot was maintained at all times. The ballot was opened and counted. The result was one vote to change the affiliation to IAMAW and zero votes to stay with NFFE Local 797.

NFFE Local 797 asserts that the daily operation of the Union would not be affected by the change in affiliation, as the current collective bargaining agreement would remain the same. The officers for the Union would be the current officers of IAMAW Local Lodge 2049.

III. Analysis and Conclusions

Under *Veterans Administration Hospital, Montrose, New York*, 4 A/SLMR 858 (1974), *review denied*, 3 FLRC 259 (1975), the following procedures must be followed to ensure that an amendment of certification conforms to the desires of the membership and that no question concerning representation exists:

- (1) A proposed change in affiliation should be the subject of a special meeting of the members of the incumbent labor organization, called for this purpose only, with adequate advance notice provided to the entire membership; (2) the meeting should take place at a

time and place convenient to all members; (3) adequate time for discussion of the proposed change should be provided, with all members given the opportunity to raise questions within the bounds of normal parliamentary procedures; and (4) a vote by the members of the incumbent labor organization on the question should be taken by secret ballot, with the ballot clearly stating the change proposed and the choices inherent therein.

Montrose, 4/ASLMR at 860. The Authority adopted the above-noted *Montrose* procedures in *Florida National Guard, St. Augustine, Florida*, 25 FLRA 728 (1987). According to Petitioner, all of the *Montrose* factors were met: proper notice of the special meeting was given; members had an opportunity to participate in a discussion, ask questions and make statements; the ballot was clear as to the choice; and the vote was by secret ballot.

I find that NFFE Local 797 followed the requisite procedures required for effecting a change in affiliation. Specifically, the investigation revealed that:

1. On February 6, 2014, a notice of a special meeting was posted on the NFFE Local 797 bulletin board, located at the Naval Health Clinic, Corpus Christi, Texas. The notice clearly stated that all dues paying members of NFFE Local 797 were invited to a special meeting to be held on February 13, 2014, at 3:00 p.m. The notice clearly stated that the purpose of the meeting was to discuss and vote on the Union's reaffiliation. The ballot clearly set forth the choices inherent in the proposed change in affiliation. The language used in the ballot to describe the choices was accurate and neutral. Therefore, I conclude that the Petitioner satisfied these elements of the *Montrose* factors.
2. The meeting was held at a place and time convenient to the members. The meeting took place at the IAMAW Lodge in Corpus Christi, Texas at 3:00 p.m.
3. An adequate opportunity for presentation and discussion of the agenda at the special meeting was provided. In this regard, there was no discussion of issues unrelated to the affiliation matter. The member had the opportunity to discuss concerns she had over the reaffiliation and to ask questions and make comments. Accordingly, I find that the affiliation question was explicitly put before the membership and there was adequate time allowed for the discussion of the question. Therefore, I conclude that the Petitioner satisfied this element of the *Montrose* factors.
4. The secrecy of the ballots was maintained at all times. In this regard, the member was given a ballot and asked to mark it in private, without the presence of any other individual. The member placed her ballot in a ballot box. Neither the ballot itself nor the markings required to indicate one's choice compromised the secrecy of the vote. Therefore, I conclude that the conditions surrounding the election sufficiently safeguarded the voter's right to mark her ballot in secret and to preserve the secrecy of her choice.

Accordingly, I conclude that the procedures followed by NFFE Local 797 provided the necessary advance notice, members had an opportunity to participate in a discussion about the reaffiliation, the ballot was clear as to the choice, and the vote was by secret ballot.

Finally, I find no question concerning continuity of representation. In this regard, the Local's autonomy and day-to-day operations remain unchanged and the collective bargaining agreement remains in effect. *Union of Federal Employees*, 41 FLRA 562 (1991); See *U.S. Department of the Army, Rock Island, Rock Island, Illinois*, 46 FLRA 76 (1992), citing *NLRB v. Financial Institution of Employees of America, Local 1182*, 475 U.S. 192 (1986).

Accordingly, I find that the NFFE Local 797 petition for a change in affiliation satisfies all requisite criteria and should be granted.

IV. Order


IT IS ORDERED that the bargaining unit for which NFFE Local 797 is the certified bargaining representative be amended to reflect the reaffiliation of NFFE Local 797 with IAMAW, AFL-CIO, and that the unit description will read as follows:

Included: All employees of the Naval Health Clinic, Corpus Christi, Texas.

Excluded: Management officials, supervisors, and employees described in 5 U.S.C. 7112(b)(2), (3), (4), (6) and (7).

V. Right to Seek Review

Under section 7105(f) of the Statute and section 2422.31(a) of the Authority's Regulations, a party may file an application for review with the Authority within sixty days of this Decision. The application for review must be filed with the Authority by **August 22, 2014**, and addressed to the Chief, Office of Case Intake and Publication, Federal Labor Relations Authority, Docket Room, Suite 201, 1400 K Street, NW, Washington, DC 20424-0001. The parties are encouraged to file an application for review electronically through the Authority's website, www.flra.gov.¹


James E. Petrucci
Regional Director, Dallas Region
Federal Labor Relations Authority

Dated: June 23, 2014

¹ To file an application for review electronically, go to the Authority's website at www.flra.gov, select **eFile** under the **Filing a Case** tab and follow the instructions.

Certificate of Service
DA-RP-14-0011

I certify that, on June 23, 2014, copies of the **DECISION AND ORDER**, issued by James E. Petrucci, Regional Director, were sent by mail to the following individuals:

Chief
Office of Case Intake and Publication
Federal Labor Relations Authority
Docket Room, Suite 201
1400 K Street, NW.
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A handwritten signature in black ink, appearing to read "Sarah Gonzales", is written over a horizontal line.